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D/B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOAH SIMMONS,

Petitioner,

ORDER TO SHOW CAUSE

CV 09 4654(ARR)

-against -

PEOPLE OF THE STATE OF NEW YORK

Respondent.

ROSS, United States District Judge:

This order is vacated.

*So ordered. S/Judge Ross
12/11/09
cc: parties*

Upon the petition of Noah Simmons appearing pro se, for a writ of habeas corpus pursuant to 28 U.S.C. 2254, filed October 21, 2009, a copy of which is annexed, and in accordance with Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. Sec. 2254, having reviewed the petition and having determined that the petition should not be summarily dismissed pursuant to Rule 4, it is hereby

ORDERED that petitioner is granted leave to proceed in forma pauperis; and it is further

ORDERED that the Clerk of Court shall serve, by certified mail, a copy of this Order, the underlying Petition, and the Memorandum of Law and Exhibits, if any, on the attorney for respondent, the Attorney General of the State of New York, and the District Attorney of Kings County, Renaissance Plaza, 350 Jay Street, Brooklyn, NY 11201-2908, and it is further

COPIES FORWARDED TO:

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